

REMARKS

Claims 6 to 11 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority, and the indication that all certified copies of the priority documents have been received.

Claims 6, 7, 9, and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,513,829 (“Zumpano”) in view of U.S. Patent No. 5,748,075 (“Dirmeyer”).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejections may not be agreed with, to facilitate matters, claim 6 has been rewritten to clarify the claimed subject matter.

Claim 6, as presented, includes the feature in which the processor is connected to at least one vehicle system, besides said at least two pressure sensors, besides said at least one

restraining system, and besides any other system for restraining an occupant of the vehicle, to transmit the at least one pressure value to the at least one vehicle system.

The “Zumpano” reference does not disclose (nor even suggest) the features in which the processor is connected to at least one vehicle system, besides said at least two pressure sensors, besides said at least one restraining system, and besides any other system for restraining an occupant of the vehicle, to transmit the at least one pressure value to the at least one vehicle system. Even if the processor referred of the “Zumpano” reference were connected to an inflation system, the inflation system is a system for restraining an occupant of the vehicle.

Further still, even if Figures 26 and 27 of the “Zumpano” reference did illustrate an embodiment where the restraining system does not include inflatable members, the inflatable members of Figures 26 and 27 still represent, either individually or in combination, a system for restraining an occupant of the vehicle. The inflatable members of Figures 26 and 27 are discussed throughout the “Zumpano” reference in the context of *restraining an occupant of the vehicle*, for example, at column 19, lines 34 to 54, and column 18, lines 10 to 15.

The “Dirmeyer” reference also does not disclose — and is not asserted to disclose — the features in which the processor is connected to at least one vehicle system, besides said at least two pressure sensors, besides said at least one restraining system, and besides any other system for restraining an occupant of the vehicle, to transmit the at least one pressure value to the at least one vehicle system, as provided for in the context of the presently claimed subject matter.

Accordingly, the “Zumpano” and “Dirmeyer” references, whether taken alone or combined, do not render obvious claim 6 or its dependent claims.

For at least the reasons stated above, claim 6, as presented, is allowable as are its dependent claims 7, 9 and 10.

Claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Zumpano” reference in view of the “Dirmeyer” reference and further in view of U.S. Patent No. 6,269,903 (“Bohner”).

Claims 8 and 11 depend from claim 6, as presented, and they are therefore allowable for essentially the same reasons as claim 6, since the secondary “Bohner” reference does not overcome — and is not asserted to overcome — the critical shortcomings of the primary “Zumpano” reference in view of the “Dirmeyer” reference as applied to claim 6, as presented.

Application Serial No. 10/524,217
Attorney Docket No. 10191/3723
Reply to Final Office Action of May 7, 2009

In summary, all of pending claims 6 to 11 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 6 to 11 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

Dated:

7/21/2009

By:

Gerard A. Messina
Reg. No. 35,952

One Broadway
New York, NY 10004
(212) 425-7200

GAM
NYC
35,952
Aaron C
06/01/09

CUSTOMER NO. 26646

1777668